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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,784	01/23/2004	Robert Scott Appleton	72211	7922
27975	7590	03/01/2006	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			MARTINEZ, DAVID E	
			ART UNIT	PAPER NUMBER
			2181	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,784	Applicant(s) APPLETON ET AL.	
	Examiner David E. Martinez	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication No. US 2002/0142813 A1 to Cassidy et al. (hereinafter Cassidy).

1. With regards to claim 1, Cassidy teaches for use with signal processing equipment [fig 1 element 2] having a motherboard [fig 1 inside element 2, embedded elements on a motherboard] that contains a main processing unit [fig 1 element 4], said main processing unit being adapted to communicate with a daughtercard [fig 1 SIM card element inserted into element 10] inserted into a receptacle therefor [fig 1 element 10], said daughtercard containing auxiliary hardware [paragraph 26] adapted to be interfaced via associated input/output utility device ports [fig 2 element 3] to signal source/termination utility devices external to said signal processing equipment [the phone communicates with other telephones over a telecommunications network], a method of controlling the operation of said signal processing equipment comprising the steps of:

(a) providing said motherboard with a default operation control mechanism, which defines a first software and hardware functionality for said signal processing equipment and is executed by said motherboard in the absence a daughtercard being coupled with said receptacle [paragraphs 7, 12, 27, 35-36];

(b) providing said control daughtercard with a replacement operation control mechanism which defines a second software and hardware functionality for said signal processing

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equipment, different from said first hardware functionality, and which is to be executed by said motherboard in place of said default operation control mechanism [paragraphs 7, 12, 27, 35-36]; and

(c) causing said motherboard to execute said default operation control mechanism on said motherboard and thereby cause said signal processing equipment to acquire said first software and hardware functionality, in the absence of a daughtercard being coupled with said receptacle, but causing said motherboard to execute said replacement operation control mechanism on said daughtercard rather than said default operation control mechanism on said motherboard, and thereby cause said signal processing equipment to acquire said second software and hardware functionality, in response to said daughtercard being coupled with said receptacle [paragraphs 7, 12, 27, 35-36].

2. With regards to claim 2, Cassidy teaches the method according to claim 1, wherein said signal processing equipment [fig 1 element 2] comprises a test apparatus [fig 1 element 2] for telecommunication equipment [the telephone device can be used to test if a telecommunication network is working or not by attempting to make a phone call].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2002/0142813 A1 to Cassidy et al. (hereinafter Cassidy). In view of US Patent No. 6,009,500 to Rossi.

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3. With regards to claim 4, it is of the same scope as claim 1 above and thus rejected under the same rationale except for the motherboard and the daughterboard both having firmware as memory. Cassidy discloses the memory in the motherboard being EEPROM memory, and the SIM card having a built-in memory as well [paragraph 26]. Cassidy is silent as to EEPROM being firmware or the SIM card having firmware. However, Rossi teaches using firmware as storage memory for the benefit of having reprogrammable memory that is able to store data when the system is off [abstract, column 1 lines 38-46, line 66 to column 2 line 7].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Cassidy and Rossi to use firmware as memory for both the motherboard and the daughterboard for the benefit of memory being reprogrammable and being able to store data when the system is off.

4. With regards to claim 5, it is of the same scope as claim 2 above and thus is rejected under the same rationale.

Allowable Subject Matter

5. Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,381,662 to Harari et al. teaches a daughter card integrated with a motherboard to extend functionality to a host system.

US Patent No. 6,789,146 to Dlugosch teaches a daughterboard that connects to a motherboard, the daughterboard is adapted to have replaceable the video functionality.

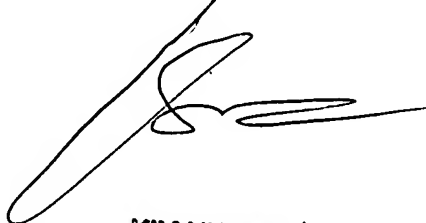
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Martinez whose telephone number is (571) 272-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM



KIM HUYNH
SUPERVISORY PATENT EXAMINER
2/21/06